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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,739	06/20/2006	Satoshi Ito	2006_0987A	8611

52349 7590 01/07/2011  
WENDEROTH, LIND & PONACK L.L.P.  
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Washington, DC 20005-1503

EXAMINER
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ABBASZADEH, JAWEED A

ART UNIT	PAPER NUMBER
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2115

NOTIFICATION DATE	DELIVERY MODE
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01/07/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/583,739	ITO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JAWEED A. ABBASZADEH	2115	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/16/2010</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-10 and 12-14 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Dea et al. (hereinafter 'Dea') US 5,742,833.

As to claim 1, Dea teaches a communication device for communicating via a network to provide a service to another communication device on the network, the communication device comprising:

a main processing unit operable to process a main service to be provided to the other communication device [Fig. 2, 110];

a communication processing unit operable to transmit and receive request information and response information corresponding to the request information with the other communication device via the network [Fig. 2, 112]; and

a power supply unit operable to stop supplying power to said main processing unit while in a state of being able to supply the power again and to supply the power to said communication processing unit [Fig. 2, 110—"SLEEP or POWER DOWN STATE and Fig. 2, 170—"WAKE UP STATION"],

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wherein said communication processing unit comprises:

a memory operable to store information required to create an alive packet which is transmitted periodically at a predetermined time and which indicates that the communication device is in a state of being able to provide the service, the required information including address information of the communication device, identification information of the communication device, and service information for the service provided by said main processing unit [col. 9, lines 24-26—SAP is service advertisement protocol. This protocol is well known in the art and has the capability to transmit the claimed information periodically.];

an alive packet transmitting unit operable to (i) read out, from said memory, at least the address information of the communication device and the service information (II) create the alive packet including the read out address information and service information, and (III) transmit the created alive packet [col. 9, lines 24-26];

a response possibility determining unit operable to determine whether or not said communication processing unit is individually able to respond to the request information received from the other communication device which has received the alive packet [Fig. 4, 188 YES or NO and col. 9, lines 36-41];

a response unit operable to create the response information and to transmit the response information to the other communication device, when the determination indicates that the response is possible [Fig. 4, YES 192, Fig. 4, transmit response message 194]; and

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a power supply controlling unit operable to start the main processing unit, to control said power supply unit, and to supply the power to said main processing unit, when the determination indicates that the response is not possible [Fig. 4, 190 NO, Fig. 4, 170; If the precanned response is not applicable then the station has to wake up]

wherein said alive packet transmitting unit creates and transmits the alive packet while said main processing unit is in a condition of not yet having power to provide a main service [col. 9, lines 24-26--It is well known in the art that SAP is a common network protocol and easily implemented in network devices such as the network stations taught by Dea. Therefore, Dea provides power savings by allowing the station to be in a sleep mode while allowing the NIC to implement the SAP].

As to claims 2-10 and 12, Dea clearly teaches the claimed limitations.

As to claims 13-14, Dea teaches these claims according to the reasoning set forth in claim 1 supra.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 and 12-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAWEED A. ABBASZADEH whose telephone number is (571)270-1640. The examiner can normally be reached on Mon-Fri: 7:30 a.m.-5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jaweed A Abbaszadeh/  
Examiner, Art Unit 2115  
12/30/2010

/Thomas Lee/  
Supervisory Patent Examiner, Art Unit 2115